

DLA PIPER US LLP
ROY K. MCDONALD, Bar No. 193691
roy.mcdonald@dlapiper.com
STEPHEN CHIARI, Bar No. 221410
stephen.chiari@dlapiper.com
DAVID M. DOYLE, Bar No. 233439
david.doyle@dlapiper.com
153 Townsend Street, Suite 800
San Francisco, CA 94107-1957
Tel: 415.836.2500
Fax: 415.836.2501

T. WADE WELCH & ASSOCIATES
CHAD M. HAGAN (*pro hac vice*)
chagan@twvllaw.com
CHRISTINE D. WILLETTS (*pro hac vice*)
cwilletts@twvllaw.com
2401 Fountainview, Suite 700
Houston, Texas 77057
Tel: 713.952.4334
Fax: 713.952.4994

Attorneys for Plaintiffs
DISH NETWORK L.L.C., ECHOSTAR
TECHNOLOGIES CORPORATION and
NAGRASTAR L.L.C.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DISH NETWORK L.L.C., a Colorado
Limited Liability Company, ECHOSTAR
TECHNOLOGIES L.L.C., a Texas Limited
Liability Company, and NAGRASTAR
L.L.C., a Colorado Limited Liability
Company,

Plaintiffs,

v.

SatFTA aka SERGEI ALEX ALEXEYEV,
Defendant.

CASE NO. 08 CV 01561 JF (PVT)

**DECLARATION OF STEPHEN CHIARI IN
SUPPORT OF APPLICATION FOR
ORDER FOR PUBLICATION OF
SUMMONS AND TO EXTEND TIME TO
EFFECTUATE SERVICE**

1 I, Stephen Chiari, declare:

2 1. I am an attorney at DLA Piper US LLP, counsel for Plaintiffs DISH NETWORK
3 L.L.C., ECHOSTAR TECHNOLOGIES L.L.C. (collectively "EchoStar"), and NAGRASTAR
4 L.L.C. ("NagraStar") (collectively "Plaintiffs") in this action. I have personal knowledge of the
5 facts contained in this declaration and if called as a witness could and would testify thereto.

6 2. This declaration is being submitted in support of Plaintiffs' application for an
7 order directing publication of summons against Defendant SatFTA aka SERGEI ALEX
8 ALEXEYEV ("Defendant" or "Alexeyev") pursuant to the provisions of California Code of Civil
9 Procedure section 415.50.

10 3. Plaintiffs' complaint in this action was filed on March 21, 2008, and contains
11 causes of action for violations of the Digital Millennium Copyright Act, the Communications Act,
12 and the California Penal Code.

13 4. Our office attempted to locate Sergei Alex Alexeyev for service of process. We
14 ran a "person search" on a LexisNexis database for anyone with the last name Alexeyev in
15 California. The report showed a Sergey Alexeyev with the address 558 Los Olivos Drive, #210,
16 Santa Clara, CA 95050-5535, and indicated that Alexeyev has resided at that address since
17 January 1998.

18 5. Our office sought the assistance of Wheels of Justice Attorney Services to
19 personally serve Alexeyev. Attached hereto as Exhibit A is the Wheels of Justice Attorney
20 Services Declaration demonstrating that ten (10) attempts at personal service were made and that
21 the process server "staked out" the Defendant's residence with negative results.

22 6. On June 18, 2008, our office attempted to reach Alexeyev by telephone at the
23 number listed on the "people search" report, but the number was disconnected.

24 7. On June 18, 2008, we mailed the summons and complaint to Alexeyev's last
25 known address by first-class mail pursuant to California Code of Civil Procedure section 415.30.
26 [As of the date of this declaration, we have not received an executed Acknowledgement of
27 Receipt from Mr. Alexeyev.]
28

8. On June 13, 2008 and June 24, 2008, Plaintiffs' counsel left voicemails for Curtis Rodriguez, Defendant's attorney in another matter to determine whether Mr. Rodriguez would accept service on behalf of Defendant or could otherwise advise of Defendant's whereabouts. As of the date of this filing, counsel has received no return phone call.

I declare under penalty of perjury under the laws of the United States of America and of the State of California that the foregoing is true and correct. Executed this 2nd day of July 2008 at San Francisco, California.

/s/ Stephen Chiari
STEPHEN CHIARI

EXHIBIT A

DAVID M. DOYLE, ESQ. (233439)
 DLA PIPER US LLP
 153 Townsend Street, Suite 800
 San Francisco, California 94107
 Telephone: (415) 659-7000
 Attorneys for: PLAINTIFF

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Plaintiff(s) : DISH NETWORK LLC, et al.
 Defendant(s) : SATFTA, etc.

Hearing Date:
 Time: Dept.

Invoice No. W2496367

DECLARATION RE DILIGENCE

Case No. CV08 1561 JF PVY

I Wheels of Justice, and any employees or independent contractors retained by
 WHEELS OF JUSTICE, INC. are and were on the dates mentioned herein over the age of eighteen years
 and not a party to this action. Personal service was attempted on

SatFTA aka SERGEI ALEX ALEXEYEV

- (3) Alternate Address : ,
 (2) Business Address : Unknown,
 (1) Residence Address: 558 Los Olivos Drive, Santa Clara, California 95050

Date and time of attempt(s):

PER ASSESSOR, the defendant owns the property

05/08/08	9:20 p.m.	No answer - no lights
05/09/08	8:06 p.m.	No answer
05/10/08	11:30 a.m.	No answer - little girls bike in front
05/13/08	8:18 p.m.	No answer - little girls bike in front
05/16/08	7:09 p.m.	No answer - little girls bike in front
05/17/08	10:53 a.m.	No answer - little girls bike in front
05/19/08	8:29 p.m.	No answer - little girls bike in front
05/20/08	9:07 a.m.	No answer
05/22/08	4:30 p.m.	No answer
05/28/08	8:05 a.m.	No answer

The residence (townhome) is owned by the defendant. One neighbor is vacant and the other has no idea who lives there. There has never been any lights or movement, nor cars in the driveway - not sure if a stakeout would payoff

6/13/08

Stakedout from 6am - 10am - no movement or change at all, neighbor still unsure who lives there - they have not seen anyone in a while

This Declaration is based upon business records maintained in the normal course of business
 I declare under penalty of perjury under the laws of the State of California that the foregoing is
 true and correct.

Executed on June 19, 2008

Signature: 
 Wheels of Justice



Printed on recycled paper

WHEELS OF JUSTICE, INC., 657 Mission Street, Suite 502, San Francisco, CA 94105 (415) 546-6000